

UNITED STATES DISTRICT COURT
for the
Eastern District of North Carolina

United States of America

v.

SARAH D. BROWN

Defendant

Case No. 5:16-MJ-1446

ORDER SETTING CONDITIONS OF RELEASE

IT IS ORDERED that the defendant's release is subject to these conditions:

- (1) The defendant must not violate federal, state, or local law while on release.
- (2) The defendant must cooperate in the collection of a DNA sample if it is authorized by 42 U.S.C. § 14135a.
- (3) The defendant must advise the court or the pretrial services office or supervising officer in writing before making any change of residence or telephone number.
- (4) The defendant must appear in court as required and, if convicted, must surrender as directed to serve a sentence that the court may impose.

The defendant must appear at: 301 GREEN STREET, FAYETTEVILLE, NC

Place

on 7/6/2016 8:00 am

Date and Time

If blank, defendant will be notified of next appearance.

- (5) The defendant must sign an Appearance Bond, if ordered.

ADDENDUM FOR DRIVING WHILE IMPAIRED CASES

Additional Conditions of Release

IT IS FURTHER ORDERED that the defendant's release is subject to the additional conditions marked below:

- ☒ (A1) The defendant shall not operate a motor vehicle on any highway, street, or public vehicular area in any jurisdiction:
- ☒ (a) for a period of 30 days from the date of this order plus such additional time after that period until the defendant receives his/her driver's license, temporary driving certificate, or provisional license back from the clerk of court pursuant to paragraph (A2).
 - ☐ (b) until entry of final judgment in this case based on defendant's refusal to submit to a chemical analysis and/or such other grounds stated by the court.
 - ☐ (c) for the following period:

This prohibition applies whether or not the defendant is permitted to operate a motor vehicle under state law.

- ☐ (A2) The defendant shall surrender any current driver's license, temporary driving certificate, or provisional license issued him/her to the clerk of this court: ___ immediately ___ no later than _____. Such surrender shall be made by ___ hand delivery to the clerk of court ___ mailing to the clerk of court (P.O. Box 25670, Raleigh, NC 27611) **with a copy of this order**. Unless otherwise ordered by the court, the clerk of court is directed to mail the defendant's driver's license(s), temporary driving certificate(s), or provisional license(s) back to him/her as promptly as practicable after expiration of the period specified in paragraph (A1).
- ☒ (A3) The defendant shall not apply for a new or duplicate driver's license, temporary driving certificate, or provisional license in any jurisdiction during the period specified in paragraph (A1).
- ☐ (A4) The following (additional) provisions shall apply to the defendant's driver's license(s), temporary driving certificate(s), or provisional license(s)
- ☐ (A5) Other

Findings by the Court

- ☐ The court finds that the defendant has surrendered his/her driver's license(s), temporary driving certificate(s), or provisional license(s) to the clerk of this court as ordered herein.
- ☐ The court makes the following (additional) findings

Notice to Defendant

Unless otherwise ordered by the court, you may move the court no earlier than 10 days after the date of this order for a limited driving privilege during the period when you would otherwise be prohibited from driving under the terms of this order. The court may issue you a limited driving privilege if you can show that you need to drive for the following essential purposes: your employment, the maintenance of your household, your education, your court-ordered treatment or assessment, community service which is a condition of your probation, emergency medical care, and religious worship. Other grounds may also justify allowance of a limited driving privilege.

The state(s) in which you are licensed will be notified of this case and this order. The requirements imposed by this order are in addition to any imposed by state law, and supersede any contrary state requirements. In particular, **you may not operate a motor vehicle to the extent you are prohibited from doing so under this order even if state law does not prohibit you from operating a motor vehicle.**

ADDITIONAL CONDITIONS OF RELEASE

IT IS FURTHER ORDERED that the defendant's release is subject to the conditions marked below:

- () (6) The defendant is placed in the custody of:

Person or organization _____

Address (only if above is an organization) _____

City and state _____

Tel. No. _____

who agrees to (a) supervise the defendant, (b) use every effort to assure the defendant's appearance at all court proceedings, and (c) notify the court immediately if the defendant violates a condition of release or is no longer in the custodian's custody.

Signed: _____

Custodian

Date

- (X) (7) The defendant must:

- (X) (a) submit to supervision by and report for supervision to the U.S. Probation Office as directed,
telephone number _____, no later than _____.

- () (b) continue or actively seek employment.

- () (c) continue or start an education program.

- () (d) surrender any passport to: _____

- () (e) not obtain a passport or other international travel document.

- () (f) abide by the following restrictions on personal association, residence, or travel: _____

- () (g) avoid all contact, directly or indirectly, with any person who is or may be a victim or witness in the investigation or prosecution, including: _____

- () (h) get medical or psychiatric treatment: _____

- () (i) return to custody each _____ at _____ o'clock after being released at _____ o'clock for employment, schooling, or the following purposes: _____

- () (j) maintain residence at a residential reentry center, and abide by the conditions of that facility.

- () (k) not possess a firearm, destructive device, or other weapon.

- (X) (l) not use alcohol (X) at all () excessively.

- (X) (m) not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

- (X) (n) submit to testing for a prohibited substance if required by the probation office or supervising officer. Testing may be used with random frequency and may include urine testing, the wearing of a sweat patch, and/or any form of prohibited substance screening or testing. The defendant must not obstruct, attempt to obstruct, or tamper with the efficiency and accuracy of prohibited substance screening or testing.

- (X) (o) participate in a program of inpatient or outpatient substance abuse therapy and counseling if directed by the probation office or supervising officer.

- () (p) participate in one of the following location restriction programs and comply with its requirements as directed:

- () (i) **Curfew.** You are restricted to your residence every day () from _____ to _____, or () as approved by the probation office or supervising officer; or

- () (ii) **Home Detention.** You are restricted to your residence at all times except for employment; education; religious services; medical, substance abuse, or mental health treatment; attorney visits; court appearances; court-ordered obligations; or other activities approved in advance by the probation office or supervising officer; or

- () (iii) **Home Incarceration.** You are restricted to 24-hour-a-day lock-down at your residence except for medical necessities and court appearances or other activities specifically approved by the court.

- (X) (q) submit to the following monitoring and comply with all of the program requirements and instructions provided:

- () The defendant must pay () all of the cost of the program () a portion of the location monitoring cost as follows:

() Radio Frequency (RF) monitoring

() Voice Recognition

() Global Positioning Satellite (GPS)

(X) Remote Alcohol Monitoring

- (X) (r) report as soon as possible, to the probation office or supervising officer, every contact with law enforcement personnel, including arrests, questioning, or traffic stops.

- () (s) submit to warrantless searches of person, residence, property or vehicle by the probation office or supervising officer.

Advice of Penalties and Sanctions

TO THE DEFENDANT:

YOU ARE ADVISED OF THE FOLLOWING PENALTIES AND SANCTIONS:

A violation of any of the foregoing conditions of release may result in the immediate issuance of a warrant for your arrest, a revocation of release, an order of detention, and a prosecution for contempt of court and could result in a term of imprisonment, a fine, or both.

The commission of a Federal offense while on pretrial release will result in an additional sentence of a term of imprisonment of not more than ten years, if the offense is a felony; or a term of imprisonment of not more than one year, if the offense is a misdemeanor. This sentence shall be in addition to any other sentence.

Federal law makes it a crime punishable by up to 10 years of imprisonment, and a \$250,000 fine or both to obstruct a criminal investigation. It is a crime punishable by up to ten years of imprisonment, and a \$250,000 fine or both to tamper with a witness, victim or informant; to retaliate or attempt to retaliate against a witness, victim or informant; or to intimidate or attempt to intimidate a witness, victim, juror, informant, or officer of the court. The penalties for tampering, retaliation, or intimidation are significantly more serious if they involve a killing or attempted killing.

If after release, you knowingly fail to appear as required by the conditions of release, or to surrender for the service of sentence, you may be prosecuted for failing to appear or surrender and additional punishment may be imposed. If you are convicted of:

- (1) an offense punishable by death, life imprisonment, or imprisonment for a term of fifteen years or more, you shall be fined not more than \$250,000 or imprisoned for not more than 10 years, or both;
- (2) an offense punishable by imprisonment for a term of five years or more, but less than fifteen years, you shall be fined not more than \$250,000 or imprisoned for not more than five years, or both;
- (3) any other felony, you shall be fined not more than \$250,000 or imprisoned not more than two years, or both;
- (4) a misdemeanor, you shall be fined not more than \$100,000 or imprisoned not more than one year, or both.

A term of imprisonment imposed for failure to appear or surrender shall be in addition to the sentence for any other offense. In addition, a failure to appear or surrender may result in the forfeiture of any bond posted.

Acknowledgment of Defendant

I acknowledge that I am the defendant in this case and that I am aware of the conditions of release. I promise to obey all conditions of release, to appear as directed, and to surrender for service of any sentence imposed. I am aware of the penalties and sanctions set forth above.


Signature of Defendant

City and State

Directions to United States Marshal

- (X) The defendant is ORDERED released after processing.
- () The United States marshal is ORDERED to keep the defendant in custody until notified by the clerk or judge that the defendant has posted bond and/or complied with all other conditions for release. The defendant shall be produced before the appropriate judge at the time and place specified, if still in custody.

Date: 6/1/2016


Signature of Judicial Officer

Robert T. Numbers II, US Magistrate
Name and Title of Judicial Officer

DISTRIBUTION: COURT DEFENDANT PRETRIAL SERVICE U.S. ATTORNEY U.S. MARSHAL